

MT LEGISLATIVE HISTORY

Chapter 425 1985

Bill H 239 S \_\_\_\_\_

Original bill & hist. ☒ C

H. Committee on Local Government

S. Committee on Local Government

Hearing Date(s) Feb 02 ☒ C

Hearing Date(s) Mar 02 ☒ C

Feb 16 ☒ C

Mar 16 ☒ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

Date Out Feb 18 ☒ C

Mar 18 ☒ C

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Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee \_\_\_\_\_

Report \_\_\_\_\_

# HOUSE FINAL STATUS

CONCURRED 50 0  
 4/25 3RD READING GOVERNOR'S AMENDMENTS  
 CONCURRED 39 10

RETURNED TO HOUSE  
 5/01 SIGNED BY SPEAKER  
 5/01 SIGNED BY PRESIDENT  
 5/02 TRANSMITTED TO GOVERNOR  
 5/13 SIGNED BY GOVERNOR  
 CHAPTER NUMBER 720 EFFECTIVE DATE: 7/01/85  
 SECTIONS 7(2) AND 15 EFFECTIVE 5/13/85

HB 237 INTRODUCED BY ADDY  
 SANCTIONS AGAINST EMPLOYERS RETALIATING AGAINST  
 EMPLOYEES FILING CLAIMS  
 BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

1/17 INTRODUCED  
 1/17 REFERRED TO BUSINESS & LABOR  
 1/21 FISCAL NOTE REQUESTED  
 1/26 FISCAL NOTE RECEIVED  
 DIED IN COMMITTEE

HB 238 INTRODUCED BY CONNELLY, PECK, ET AL.  
 CLARIFYING DRIVER'S LICENSE REINSTATEMENT  
 BY REQUEST OF MOTOR VEHICLE DIVISION

1/17 INTRODUCED  
 1/17 REFERRED TO HIGHWAYS & TRANSPORTATION  
 2/05 HEARING  
 2/13 COMMITTEE REPORT-BILL DO PASS  
 2/16 2ND READING PASS 94 1  
 2/18 3RD READING PASS 100 0

TRANSMITTED TO SENATE  
 2/19 REFERRED TO HIGHWAYS & TRANSPORTATION  
 3/14 HEARING  
 3/15 COMMITTEE REPORT-BILL CONCURRED  
 3/21 2ND READING CONCURRED 48 0  
 3/23 3RD READING CONCURRED 49 0

RETURNED TO HOUSE  
 3/28 SIGNED BY SPEAKER  
 3/28 SIGNED BY PRESIDENT  
 3/29 TRANSMITTED TO GOVERNOR  
 4/02 SIGNED BY GOVERNOR  
 CHAPTER NUMBER 314 EFFECTIVE DATE: 10/01/85

HB 239 INTRODUCED BY WALLIN, DARKO, ET AL.  
 LOCAL GOVERNMENT MULTI-JURISDICTIONAL SERVICE  
 DISTRICTS

1/17 INTRODUCED  
 1/17 REFERRED TO LOCAL GOVERNMENT  
 2/02 HEARING  
 2/18 COMMITTEE REPORT-BILL PASS AS AMENDED  
 2/19 2ND READING PASS AS AMENDED 77 16  
 2/20 3RD READING PASS 93 7

# HOUSE FINAL STATUS

|      |                                             |    |    |
|------|---------------------------------------------|----|----|
|      | TRANSMITTED TO SENATE                       |    |    |
| 2/22 | REFERRED TO LOCAL GOVERNMENT                |    |    |
| 3/07 | HEARING                                     |    |    |
| 3/18 | COMM REPORT-BILL CONCURRED AS AMENDED       |    |    |
| 3/21 | 2ND READING CONCURRED                       | 48 | 0  |
| 3/23 | 3RD READING CONCURRED                       | 47 | 2  |
|      | RETURNED TO HOUSE WITH AMENDMENTS           |    |    |
| 4/02 | 2ND READING AMENDMENTS CONCURRED            | 83 | 10 |
| 4/03 | 3RD READING AMENDMENTS CONCURRED            | 89 | 8  |
| 4/08 | SIGNED BY SPEAKER                           |    |    |
| 4/08 | SIGNED BY PRESIDENT                         |    |    |
| 4/09 | TRANSMITTED TO GOVERNOR                     |    |    |
| 4/10 | SIGNED BY GOVERNOR                          |    |    |
|      | CHAPTER NUMBER 425 EFFECTIVE DATE: 10/01/85 |    |    |

HB 240 INTRODUCED BY RAMIREZ, CRIPPEN, B. BROWN  
PROPERTY CLASSIFICATION REVISIONS TO COMPLY WITH  
FEDERAL LAW; REALTY 1 CLASS  
BY REQUEST OF REVENUE OVERSIGHT COMMITTEE

|      |                                                          |    |    |
|------|----------------------------------------------------------|----|----|
| 1/17 | INTRODUCED                                               |    |    |
| 1/17 | REFERRED TO TAXATION                                     |    |    |
| 1/21 | FISCAL NOTE REQUESTED                                    |    |    |
| 1/26 | FISCAL NOTE RECEIVED                                     |    |    |
| 2/01 | HEARING                                                  |    |    |
| 4/19 | 2ND READING PASS                                         | 92 | 5  |
| 4/19 | STATEMENT OF INTENT ATTACHED                             |    |    |
| 4/22 | 3RD READING PASS                                         | 93 | 1  |
|      | TRANSMITTED TO SENATE                                    |    |    |
| 4/25 | ON MOTION RULES SUSPENDED<br>TO ACCEPT FOR CONSIDERATION | 48 | 2  |
| 4/25 | REFERRED TO TAXATION                                     |    |    |
| 4/25 | HEARING                                                  |    |    |
| 4/25 | COMM REPORT-BILL CONCURRED AS AMENDED                    |    |    |
| 4/25 | 2ND READING CONCURRED                                    | 30 | 20 |
| 4/25 | 3RD READING CONCURRED                                    | 29 | 21 |
|      | RETURNED TO HOUSE WITH AMENDMENTS                        |    |    |
| 4/25 | ON MOTION RULES SUSPENDED<br>TO ALLOW SENATE AMENDMENTS  |    |    |
| 4/25 | 2ND READING AMENDMENTS CONCURRED                         | 52 | 48 |
| 4/25 | 3RD READING AMENDMENTS CONCURRED                         | 53 | 47 |
| 5/01 | SIGNED BY SPEAKER                                        |    |    |
| 5/01 | SIGNED BY PRESIDENT                                      |    |    |
| 5/02 | TRANSMITTED TO GOVERNOR                                  |    |    |
| 5/24 | SIGNED BY GOVERNOR                                       |    |    |
|      | CHAPTER NUMBER 743 EFFECTIVE DATE: 1/1/86                |    |    |
|      | SECTIONS 10 AND 12 EFFECTIVE 5/24/85                     |    |    |

HB 241 INTRODUCED BY KADAS, ECK, ET AL.  
PRORATION OF PROPERTY TAXES WHEN MOVING A MOBILE  
HOME

|      |                      |
|------|----------------------|
| 1/17 | INTRODUCED           |
| 1/17 | REFERRED TO TAXATION |

HOUSE BILL NO. 239

INTRODUCED BY WALLIN, DARKO, BERGENE,  
EUDAILY, HARPER, LORY, COHEN, NELSON,  
BRADLEY, J. BROWN, MILLER, REHBERG

IN THE HOUSE

|                   |                                                                                                                      |
|-------------------|----------------------------------------------------------------------------------------------------------------------|
| January 17, 1985  | Introduced and referred to<br>Committee on Local Government.                                                         |
| Februry 18, 1985  | Committee recommend bill do pass<br>as amended. Report adopted.<br><br>Bill printed and placed on<br>members' desks. |
| February 19, 1985 | Second reading, do pass as<br>amended.<br><br>Correctly engrossed.                                                   |
| February 20, 1985 | Third reading, passed.<br><br>Transmitted to Senate.                                                                 |

IN THE SENATE

|                   |                                                                                                  |
|-------------------|--------------------------------------------------------------------------------------------------|
| February 22, 1985 | Introduced and referred to<br>Committee on Local Government.                                     |
| March 18, 1985    | Committee recommend bill be<br>concurrred in as amended. Report<br>adopted.                      |
| March 21, 1985    | Second reading, concurrred in.                                                                   |
| March 23, 1985    | Third reading, concurrred in.<br>Ayes, 47; Noes, 2.<br><br>Returned to House with<br>amendments. |

IN THE HOUSE

March 25, 1985

Received from Senate.

April 2, 1985

Second reading, amendments  
concurred in.

April 3, 1985

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 239

INTRODUCED BY

*Wesley Marko* *Bergene* *Edwards*  
*Hayes Long* *Alan Nelson* *Bradley* *J. Brown* *Kelly*  
 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW FOR THE  
 FORMATION OF MULTIJURISDICTIONAL SERVICE DISTRICTS AMONG  
 MUNICIPALITIES AND COUNTIES TO PROVIDE ANY SERVICE ALLOWED  
 TO BE PROVIDED BY LOCAL GOVERNMENTS; PROVIDING FOR THE  
 CREATION, ADMINISTRATION, AND FINANCING OF SUCH DISTRICTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Authority to form multijurisdictional  
 service district. Municipalities and counties may form  
 multijurisdictional service districts to provide:

(1) a higher level of service than is available  
 through the local governments forming such a district; or

(2) services that are not available through the  
 governments forming such a district.

Section 2. Services that may be provided. (1) A  
 multijurisdictional service district may provide only those  
 services that are authorized to be provided by local  
 governments.

(2) The services that a multijurisdictional service  
 district may provide include but are not limited to:

(a) recreation programs;

(b) road, street, and highway maintenance; and

(c) libraries.

Section 3. Administration. (1) A multijurisdictional  
 service district must be administered according to an  
 interlocal agreement among the participating jurisdictions  
 within the district.

(2) The governing body of a multijurisdictional  
 service district may consist of the entire membership of all  
 governing bodies of the participating jurisdictions, or it  
 may be a joint board with representation as set forth in the  
 interlocal agreement forming the district.

Section 4. Financing. Local governments organizing a  
 multijurisdictional service district are authorized to levy  
 property taxes in an amount not to exceed that authorized  
 for the district in [section 6], and to appropriate funds  
 derived from other than general tax revenues for the  
 operation of the district.

Section 5. Creation of district. (1) A  
 multijurisdictional service district is established by an  
 interlocal agreement among participating jurisdictions, as  
 authorized by an ordinance of each of the jurisdictions, to  
 form the district. An ordinance, for the purposes of [this  
 act], includes a resolution of a county not having the power  
 to enact ordinances.

(2) The authorizing ordinance may be passed by the  
 governing body of the jurisdiction or it may be initiated by

1 a petition signed by 15% of the electors of the area  
2 proposed for the district in the jurisdiction.

3 Section 6. Ordinance and petition requirements. An  
4 ordinance or petition for an ordinance to authorize a  
5 multijurisdictional service district must include:

6 (1) the name of the proposed district;

7 (2) the services to be provided by the proposed  
8 district;

9 (3) a statement of convenience and necessity;

10 (4) a boundary map of the proposed district;

11 (5) estimated costs of services and methods of  
12 financing the district;

13 (6) the method of administering the proposed district;  
14 and

15 (7) the maximum property tax mill levy for property  
16 taxes in the district.

17 Section 7. Adoption of ordinance -- protest. (1) Upon  
18 receipt of a petition to enact an authorizing ordinance, the  
19 governing body of the jurisdiction may either adopt the  
20 substantive provisions of the petition as an ordinance,  
21 adopt an authorizing ordinance that differs from the  
22 petition, or decline to adopt an authorizing ordinance for  
23 the district. The action on the petition is subject to the  
24 provisions of initiative and referendum as provided in  
25 7-5-131 through 7-5-137.

1 (2) (a) Upon adoption of a multijurisdictional service  
2 district authorizing ordinance, notice must be published in  
3 a newspaper of general circulation in the jurisdiction.

4 (b) The notice must set forth the text or substance of  
5 the ordinance and the text of subsection (2)(c).

6 (c) Within 30 days of the publication of the notice,  
7 electors of the portion of the proposed district in the  
8 jurisdiction may file written protests with the local  
9 government clerk. If more than 50% of such electors protest  
10 the ordinance, the ordinance is void.

-End-

STATUS SHEET

49th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

## HOUSE BILLS

| BILL NO. | ENTERED<br>COMM. | DATE<br>CONSIDERED | OUT OF<br>COMM.                   | DO PASS<br>DATE | DO NOT<br>PASS<br>DATE | DO PASS<br>AS AMEND.<br>DATE   | BE CON-<br>CURRED IN<br>DATE | BE CONC. IN<br>AS AMENDED<br>DATE | BE NOT CON-<br>CURRED IN<br>DATE |
|----------|------------------|--------------------|-----------------------------------|-----------------|------------------------|--------------------------------|------------------------------|-----------------------------------|----------------------------------|
| HB 160   | 1-12-85          | 1-31-85            | 2-16-85                           |                 |                        | STATEMENT OF INTENT<br>2-16-85 |                              |                                   |                                  |
| HB 171   | 1-14-85          | 1-29-85            | 2-7-85                            | 2-7-85          |                        |                                |                              |                                   |                                  |
| HB 173   | 1-14-85          | 1-29-85            | 1-29-85                           |                 | AS AMENDED<br>1-29-85  |                                |                              |                                   |                                  |
| HB 186   | 1-15-85          | 1-31-85            | 2-2-85                            |                 |                        | 2-2-85                         |                              |                                   |                                  |
| HB 232   | 1-17-85          | 2-2-85             | 2-5-85                            |                 |                        | 2-5-85<br>2-2-85               |                              |                                   |                                  |
| HB 239   | 1-17-85          | 2-2-85             | 2-16-85                           |                 |                        | 2-16-85                        |                              |                                   |                                  |
| HB 53    | 1-17-85          | 2-2-85             | TABLED<br>2-2-85                  |                 |                        |                                |                              |                                   |                                  |
| HB 248   | 1-18-85          | 1-31-85            | 1-31-85                           | 1-31-85         |                        |                                |                              |                                   |                                  |
| HB 253   | 1-18-85          | 2-7-85             | 2-7-85                            |                 | 2-7-85                 |                                |                              |                                   |                                  |
| HB 255   | 1-18-85          | 2-9-85             | 2-9-85                            |                 | 2-9-85                 |                                |                              |                                   |                                  |
| HB 263   | 1-18-85          | 1-19-85            | Re-referred to Business and Labor |                 |                        |                                |                              |                                   |                                  |
| HB 279   | 1-21-85          | 2-5-85             | 2-5-85                            | 2-5-85          |                        |                                |                              |                                   |                                  |
| HB 299   | 1-21-85          | 2-5-85             | 2-5-85                            | 2-5-85          |                        |                                |                              |                                   |                                  |
| HB 277   | 1-21-85          | 2-7-85             | 2-21-85                           |                 |                        | 2-21-85                        |                              |                                   |                                  |
| HB 328   | 1-22-85          | 2-9-85             | 2-9-85                            |                 |                        | 2-9-85                         |                              |                                   |                                  |
| HB 347   | 1-22-85          | 2-5-85             | 2-5-85                            |                 | 2-5-85                 |                                |                              |                                   |                                  |

Use a separate sheet for Senate Bills.



There were no opponents present.

DISCUSSION OF HOUSE BILL NO. 436: Rep. Pistoria stated he is not against this bill because of the amendments, but he does not like the idea of even numbers of members, because there would be a problem if there was a tie. Rep. Lory said he realizes this would be a problem.

Rep. Gilbert asked what triggered this desire of the members of the conservation district to serve on this board, and Rep. Lory answered that some members felt they should have something to say and this is the reason.

Rep. Lory closed his presentation of HB 436.

CONSIDERATION OF HOUSE BILL NO. 239: Rep. Wallin appeared before the committee as sponsor of this bill. This bill allows for the formation of multijurisdictional service districts among municipalities and counties to provide any service allowed to be provided by local governments. Rep. Wallin said he is carrying this bill for the Council of Cities and Towns, and Alec Hanson is supposed to be here to explain the bill. However, he had not arrived yet. Rep. Wallin presented proposed amendments to this bill which he went over with the committee. Line 23 lists the services that a multijurisdictional service district may provide. Instead of being general it specifies recreational programs, road, street, and highway maintenance, libraries and jails. There are bills that can be levied for these problems. A wider area and a greater number of people will receive benefits from this.

PROPOSERS: Gordon Morris of the Montana Association of Counties, stated they want to go on record in support of the bill, which they endorsed at their convention in Kalispell.

Deborah Schlesinger, representing the Montana Library Association, from Helena, stated that their association also supports this bill, and are delighted libraries are also included in this bill. She presented written testimony, as exhibit 1.

Joe Gottfried of the Montana Association of Counties stated he especially likes this bill because it gives the private citizens the opportunity to voice their opinions. The commissioners may petition for the citizens. One of the most important things about this bill is that the sponsor mentioned jails. He stated

that in one county the jail could not be used because it was inadequate.

Jim Wysocki, City Manager of Bozeman, stated that in 1972, 39% of the people who used their libraries were from outside the city. Today 43% have used their libraries. They have not changed their fees for overdue books. They have kept track of the people who have put their addresses in the faculty books at MSU since 1960, and their figures show that people are choosing to live outside the city but are using the services provided by the city. From the city's standpoint it is important for them to have the vehicle to ask these people to help in the cost. This bill will help to do this.

Marie McAlear, Montana Association of Counties from Madison County, stated there would be one specific use for this bill in their county. If they were allowed a solid waste district close to the county, they could better supply and serve those people from the far counties. The Harrison district travels to Bozeman, and they would be better served if they were closer.

Ray Blehm, representing Montana State Firemen's Association, appeared before the committee and urged that they support this bill.

Sue Bartlett, Clerk and Recorder from Lewis and Clark County, stated she is offering some information only. She has consulted with Lee Heiman and suggested some technical amendments that will make it more feasible to carry out the procedures in the bill. She presented a precinct map for Helena, E. Helena and the Helena Valley, which shows school district lines which coincide with the precinct lines. If a service district were to propose boundaries then they would have to determine how many voters live within that service district. She presented amendments to the committee (exhibit 2), and urged support of this bill.

Dave Wilcox, representing the city of Missoula, appeared late for the hearing, after the committee had heard statements from the opponents. Chairman Darko stated that with permission from the committee, they could take him as a proponent because they didn't think the session would get out as early as it did. He presented written testimony in support of HB 239, which is attached as exhibit 3. He also presented a letter of support from Howard Schwartz, executive officer of Missoula County (exhibit 4).

Suzette Neville, representing the city of Bozeman's recreational department, stated that about half of the people who use the pool are rural residents, and they don't have to pay taxes for the use of the pool. They have voiced the opinion that they would like to help with the pool and help pay for it. This bill will help to do this.

Alec Hansen of the League of Cities and Towns stated this bill is intended to provide more equal financing for services in Montana. The city of Bozeman is particularly interested in this bill as a fair way of financing its recreation programs. Under the existing law they do not have an effective way of financing these recreation programs. In Bozeman, outsiders use the facilities but the people in the city have to pay for it. With this bill, both the people in the city and those outside the city would be sharing in the cost of the recreational services. Recreation, street and roads, libraries and jails would be at the request of the crime control legislation. Lewis and Clark Co. and Jefferson Co. have had problems with the maintenance of their roads. The right of protest is included in this bill. The major thing they are looking at is fairness.

OPPONENTS: Julie Hacker, representing the Missoula County Freeholders, stated that on behalf of the Missoula County Freeholders Association, she urged the committee to kill the bill. She presented written testimony in opposition to this bill (exhibit 5).

Vera Cahoon, also representing the Missoula County Freeholders, also stated she strongly urges the committee to kill the bill. She presented written testimony in opposition to the bill (exhibit 6).

In closing, Rep. Wallin stated that this is a very important bill and it has an opportunity to assist cities in their problems of financing.

He urged passage of this bill.

DISCUSSION OF HOUSE BILL NO. 239: Rep. Gilbert stated he believes in fairness and thinks it is a good thing. He asked Rep. Wallin if he thinks it is fair to allow 15% of the electors to pass this ordinance and let 50% turn it down.

Rep. Pistoria addressed Mr. Wilcox that in his support of this bill he brought out two points with the bill as it is drafted. One was whether a single jurisdiction could create a service district within its own boundaries and the other is the issue of fair taxation

regarding county authority to create service districts. Mr. Wilcox stated he believes the bill needs to be clarified to provide single jurisdiction service districts. The bill mentions multi-jurisdictional service districts. Where there are isolated areas this bill doesn't allow for them to have districts. Rep. Pistoria stated there is nothing offered in the bill for taxing processes.

Rep. Sales asked Rep. Wallin if he would have any objections to amending out the word "elector" and putting in "property owners". Rep. Wallin suggested he direct the question to Alec Hansen, who replied that he thought it would be acceptable.

Rep. Sales stated he had difficulty reading the last paragraph on page 4, which states 50% of the property owners in the county could object and stop the district of being funded. Rep. Wallin replied the intention is that 50% of the new taxpayers would have the right to object. Rep. Sales asked if this is 50% of the people living in the county or living within that district. The word "portion" was throwing him off. Alec Hansen answered that that section was intended to cover how the protest is filed, within the boundaries of the proposed district. The right of protest would apply to 50% of the people of the district.

Rep. Switzer said he has some doubt about what the 15% of the property owners do, whether they initiated the process by which they form the district.

Rep. Hansen asked Alec Hansen if he had looked over the set of amendments Rep. Wallin had proposed. It was understood that some of the people in the garbage business are concerned about the bill. The testimony was in favor of including garbage in it.

Rep. Brandewie questioned page 2 (2), line 24. Is this 15% of the people in the whole area could pass the authorizing ordinance. Alec Hansen replied it is 15% of electors in that portion of the city who could initiate a petition. It would have to be a cooperative agreement. They are trying to set up a district that would set up a more fair way of providing services. This bill does provide protection of people and it is intended to deliver services to people.

Rep. Brandewie stated he has no problem with these services these cities are providing, but he wondered if most of them are used by people who are in the suburban area of a town within a 5 - 6 mile radius.

Rep. Brown requested that before closing hearings on this bill that some people from Billings who came to the hearing wanted to be put on record as supporting the bill: Jim Tillotson, Mike Kennedy, and Neal Kirkness, who presented written testimony (exhibit 7), which is attached.

Rep. Sands asked if the provisions for adoption of these two different forms of service agreements are the same, and the answer is no. Rep. Sands also stated there is a provision to charge certain taxpayers for additional services not supplied by various jurisdictions. Should there be a provision to relieve them for taxes they are paying to jurisdictions for services they are not receiving from this jurisdiction. Alec Hansen answered that this would be a different administrative problem. In the recreation program that is being proposed here, the cost would be subtracted from the county or city. If a recreation district is set up the money would be reduced and that would balance the books.

At this point, Chairman Darko stated that if anyone else had arrived as proponents or opponents, they could be heard.

Anne Anderson, representing the city of Bozeman, stated their commissioners were concerned that in times of difficult funding and with the essential services like libraries and recreation, that this be given a green light. It was also stated that safeguards are in the bill, and five commissioners from Bozeman asked that the committee give this bill favorable consideration.

Steve Nelsen, Board of Crime Control, from Helena, stated they are in support of this legislation because it give counties the opportunity to form municipalities.

Bill Verwolf, representing the city of Helena, stated they support this bill.

There was more discussion by the committee on HB 239. Rep. Sands asked Mr. Hansen how this ordinance is adopted if presented through petition. An ordinance would have to be adopted by the city. If an ordinance is adopted it can be petitioned to have it stopped in action if it adopted on the local body. It is very similar to the state. If 15% of the people petition and the governing body does not, the 15% of the people can take it to the clerk and recorder to be put on a ballot.

There being no further discussion, HB 239 was closed.

DISPOSITION OF HOUSE BILL NO. 53: Rep. Sales moved that HB 53 be tabled, and this was seconded by Rep. Kitselman. Question was called, and the motion CARRIED UNANIMOUSLY at the request of the sponsor.

DISPOSITION OF HOUSE BILL NO. 232: Rep. Brown moved that HB 232 DO PASS. This was seconded by Rep. Kadas. Rep. Sales moved to amend HB 232 to coincide with school elections. This was seconded by Rep. Brown. Question was called and the motion to amend PASSED UNANIMOUSLY. Rep. Brandewie moved that HB 232 DO PASS AS AMENDED, and this was seconded by Rep. Fritz. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 436: Rep. Sales moved that HB 436 DO NOT PASS, seconded by Rep. Gilbert.

Rep. Sales said that with 9 members at the present time, anyone of those 9 members could be from the conservation board and in many cases that is what is done. Even the official members would be a member of the conservation board.

Rep. Switzer stated there may have been a problem mentioned by Rep. Lory that some conservation districts have been swallowed by city boundaries and if there were people in those geographic areas who did not agree with whatever the conservation district proposed, they could ignore that the conservation district desired to have a member on it.

Rep. Brown replied that he thinks it is entirely correct that there are conservation districts where the city/county chooses to ignore them in their activities.

Rep. Brown made a substitute motion of DO PASS HB 436. This was seconded by Rep. Darko. Rep. Brown moved to amend HB 436, and this was seconded by Rep. Sales. The purpose of the amendment is to see if there is no member of the conservation district to serve.

Rep. Brown then moved to DO PASS AS AMENDED HB 436, and this was seconded by Rep. Kadas. Motion carried with Rep. Pistoria, Rep. Sales, Rep. Poff, Rep. Kitselman and Rep. Gilbert voting "no".

Rep. Brandewie stated he thought the conservation district should be somewhat involved in the planning and to have their input, as they bring a little more expertise to it.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 2, 1985

| NAME                       | PRESENT | ABSENT | EXCUSED |
|----------------------------|---------|--------|---------|
| Paula Darko, Chairman      | ✓       |        |         |
| Norm Wallin, Vice Chairman | ✓       |        |         |
| Ray Brandewie              | ✓       |        |         |
| Dave Brown                 | ✓       |        |         |
| Harry Fritz                | ✓       |        |         |
| Stella Jean Hansen         | ✓       |        |         |
| Bob Gilbert                | ✓       |        |         |
| Mike Kadas                 | ✓       |        |         |
| Les Kitselman              | ✓       |        |         |
| Paul Pistoria              | ✓       |        |         |
| Bing Poff                  | ✓       |        |         |
| Walter Sales               | ✓       |        |         |
| Jack Sands                 | ✓       |        |         |
| Dean Switzer               | ✓       |        |         |
|                            |         |        |         |
|                            |         |        |         |
|                            |         |        |         |
|                            |         |        |         |
|                            |         |        |         |
|                            |         |        |         |
|                            |         |        |         |
|                            |         |        |         |

Exhibit 1  
HB 239  
2-2-85  
Rep. Wallin

WITNESS STATEMENT

Name DEBORAH SCHLESINGER Committee On LOCAL GOV.  
Address 507 5TH AVE, HELENA, MT. Date 2-2-85  
Representing MONTANA LIBRARY ASSOC. Support ✓  
Bill No. HB 239 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. MONTANA LIBRARY ASSOCIATION SUPPORTS  
HB 239

2. A NUMBER OF SITUATIONS EXIST IN THE  
STATE THAT WOULD BE CORRECTED BY  
THIS BILL, ALLOWING EQUAL SERVICE  
3. FOR MONTANANS.

LIBRARY SERVICE IS COSTLY AND  
4. SHOULD BE SHARED BY ALL WHO  
USE THE SERVICE.

PRESENTLY SOME COUNTIES IN THE  
STATE HAVE INTERLOCAL AGREEMENTS,  
THESE CHANGE FROM YEAR TO YEAR. HB 239  
COULD BE THE BASIS FOR MORE STABLE  
SERVICE AND MORE STABLE FUNDING.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



Exhibit 2  
HB 239  
2-2-85  
Rep. Wallin

AMEND HOUSE BILL 239 (BARTLETT)

1. Page 3.

Following: line 2

Insert: "(3) Prior to determining the boundary of the district, the governing body or persons preparing a petition shall consult with the county election administrator to prepare a discription of the boundary of the proposed district. So far as practical, the boundary shall follow precinct, school district, municipal, and county lines. The boundary discription must be mapped and clearly discribed."

2. Page 4, line 7.

Strike: "portion of the"

Strike: "in the"

3. Page 4, line 8.

Strike: "jurisdiction"

Strike: "file"

Insert: "submit"

Strike: "with"

Insert: "to:

Strike: "local"

4. Page 4, line 9.

Strike: "government clerk"

Insert: "clerk and recorder of the county in which the elector is registered to vote"

PC5HB239.24

Wallin

AMEND HB 239

1. Title, line 6.  
Following: "PROVIDE"  
Strike: "ANY SERVICE"  
Insert: "CERTAIN SERVICES"

2. Page 1, line 23.  
Strike: "include but"  
Strike: "not limited to"

3. Page 1, line 25  
Strike: "and"

4. Page 2, line 1.  
Following: "libraries"  
Strike: "."  
Insert: "; and"

5. Page 2.  
Following: line 1  
Insert: "(d) jails."

Exhibit 3  
HB 239  
2-2-85  
Rep. Wallin



OFFICE OF THE MAYOR

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

To: House Local Government Committee  
Representative Paula Darko, Chairperson

From: The City of Missoula

Subject: Support of House Bill 239

Date: February 2, 1985

The City of Missoula supports House Bill 239 as it provides a method of meeting demands for higher levels of service. This service district approach gives local governments needed flexibility to target interjurisdictional areas of special need for specific services. The City of Missoula has identified the following points in support of this important bill.

1. HB 239 provides a mechanism by which local governments may provide a higher level of select services to different and specific geographic areas within which both the City and County have jurisdiction.
2. HB 239 encourages cities and counties to work together by giving them a relatively workable tool for solving shared problems within specific geographic areas.
3. HB 239 gives us a tool which we believe will enable us to solve existing identified problems. For example, through the creation of a joint service district the City and County of Missoula may be able to solve a drainage and flooding problem in the "South Hills"

area. The area has a significant drainage problem and minor flooding occurs frequently. Many thousands of dollars will be needed to rectify the situation. Residents of other areas of the community are reluctant to contribute, while residents of the flood plain demand a solution to the problem. An added complication is that the area is partly City and partly County. The service district concept offers a plausible method by which the solution may be funded by the properties effected.

4. HB 239 limits service districts to services which local governments are authorized by statute to provide, a provision the City strongly endorses.

I must raise a couple of possible problems with the way the bill is drafted. It is unclear to me whether a single jurisdiction -- a city or a county, could create a service district within its own boundaries. The title of the bill and language within the bill indicate that service districts must be multi-jurisdictional. Note, for example, that in Section 1 the reference is consistently to "multi-jurisdictional" service districts.

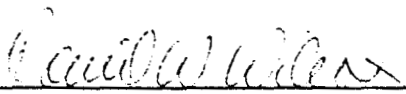
The City of Missoula believes that cities and counties should be able to create service districts within their single jurisdictions. This holds especially true for counties which

must provide services to far-flung and very diverse areas. It appears that some supporters of the HB 239 believe the bill provides for single-jurisdictional service districts; look, for example, at testimony submitted by Howard Schwartz, Missoula County Executive Officer. Perhaps the bill needs clarification in this regard.

With that said, I must also raise the issue of fair taxation and ask for additional clarity in the bill regarding county authority to create service districts. County jurisdictions include cities and towns within them. If single-jurisdictional service districts are permitted, as they should be, the bill must specify that counties may not create a single-jurisdictional service district which includes any portion of a municipality.

The City of Missoula supports HB 239 as written. We believe the concept can be strengthened by adding provisions suggested herein.

Respectfully submitted by

  
\_\_\_\_\_  
David W. Wilcox  
Chief Administrative Officer

cc: Howard Schwartz  
Executive Officer of Missoula County

# MISSOULA COUNTY

Rep. Wallin

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

## MEMORANDUM

BCC-85-061  
January 31, 1985

TO: HOUSE LOCAL GOVERNMENT COMMITTEE

FROM: HOWARD SCHWARTZ, EXECUTIVE OFFICER *HS*  
MISSOULA COUNTY

RE: SUPPORT OF HOUSE BILL 239

I am writing at the request of the Missoula Board of County Commissioners to express their support of HB-239 at the hearing before the House Local Government Committee on February 2, 1985.

The Commissioners support this bill, since it provides a simple, yet flexible, solution of how to provide services in only parts of the County without taxing everyone in the County for them. Furthermore, it enables us to work with the City to provide services in the urban fringe, without the City needing to annex those residents, nor the County having to duplicate services already provided by the City. An example in Missoula City and County of a problem that could be addressed through this bill is our South Hills drainage problem, which requires the construction of a storm sewer system through parts of the City and the County. The only two mechanisms on the books to deal with this kind of problem would be creation of a series of special improvement districts, or a storm drainage district, neither of which is flexible enough to allow us to work out a tailor-made solution to the problem. This bill would give us a better opportunity to develop a district and funding mechanism that could comprehensively deal with flooding in that part of the City and County.

Similarly, we would have the opportunity to create urban-area service districts to provide a higher level of some services in the urban area, and then have the taxes levied only on the people who receive the services, rather than having rural taxpayers pay for services that predominantly are available in the urban area, but now must be levied for on a countywide basis.

The City of Missoula and Missoula County have successfully negotiated about fifteen interlocal agreements to jointly provide many different kinds of services. This bill would enable us to develop those agreements to a new level of sophistication and fairness.

HS/lrs

cc: Dave Wilcox, Chief Administrative Officer  
City of Missoula  
Missoula Board of County Commissioners  
Gordon Morris, Executive Officer, MACo

22

WITNESS STATEMENT

Name Julie Harker Committee On \_\_\_\_\_  
Address Star Rte Barnes, Mt Date 2-2-85  
Representing Missouri Co. Fireholders Assoc. Support \_\_\_\_\_  
Bill No. 239 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Electors, not taxpayers initiate action.

2. Taxpayers pay the bill.

3. Service dist causes higher level of services and opens up new taxing authority.

4. Co. Lin. To already have power to cooperate.

Recommend Do not pass.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit 6  
HB 239  
2-2-85  
Rep. Wallin

WITNESS STATEMENT

Name Vera Papayan Committee On Local  
Address Banner Date 2/2  
Representing Missouri Co. Holders Support \_\_\_\_\_  
Bill No. 239 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Creates another layer of govt
2. Used as a tool for annexation  
(annexation) in disguise
3. Service district created by electors  
(who do not pay taxes.)
4. Forces yet one more protest which  
tappayers must go thru to protect  
themselves against ~~unneeded~~ ~~service~~  
& more taxes.

(County Library)

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



Exhibit 7  
HB 239  
2-2-85  
Rep. Wallin

February 2, 1985

TESTIMONY PRESENTED TO THE LOCAL GOVERNMENT HOUSING COMMITTEE REGARDING HB 239

MY NAME IS NEAL KIRKNESS. I AM A CITY COUNCILMEMBER FROM THE CITY OF BILLINGS, MONTANA. THE TESTIMONY I AM GOING TO PRESENT TODAY IS ON BEHALF OF THE MAYOR AND CITY COUNCIL OF BILLINGS AND IT IS IN SUPPORT OF HOUSE BILL #239.

THIS BILL WILL PROVIDE ADDITIONAL AUTHORITY FOR CITIES AND COUNTIES TO COOPERATE TOGETHER IN ORDER TO PROVIDE A GIVEN SERVICE TO PEOPLE WITHIN THEIR AREA. WHILE OTHER STATUTES AUTHORIZE CITIES & COUNTIES TO COOPERATE, THIS PARTICULAR BILL PROVIDES A UNIQUE FEATURE IN AUTHORIZING A UNIFORM METHOD OF FUNDING THIS SERVICE IN SECTION 4 AND SECTION 6. THESE SECTIONS PROVIDE THAT THE LOCAL GOVERNMENTS CAN LEVY A PROPERTY TAX ON ALL THE PROPERTY IN THE MULTIJURISDICTION TO COVER THE COST OF PROVIDING THE APPROPRIATE SERVICE.

THIS PARTICULAR APPROACH WILL OFFER A NEW OPPORTUNITY FOR PARK AND RECREATION PROGRAMS AND SERVICES TO BE PROVIDED IN YELLOWSTONE COUNTY.

THANK YOU.

## VISITOR'S REGISTER

HOUSE

Local Government COMMITTEE

BILL

HB 239

DATE

Feb. 2, 1985

SPONSOR

Rep Wallin

| NAME              | RESIDENCE      | REPRESENTING                 | SUP-<br>PORT | OP-<br>POSE |
|-------------------|----------------|------------------------------|--------------|-------------|
| Julie Hacker      | Banner, MT     | Msla Co Freeholders          |              | X           |
| Mera Cahoon       | Banner, MT     | Msla Co Freeholders          |              | X           |
| Annabell Hacker   | Banner, MT.    | Msla. Co Freeholders         |              | ✓           |
| D. Schlesinger    | Helena         | Montana Lib Assoc.           | ✓            |             |
| G. Morris         | HELENA         | MT Co.                       | ✓            |             |
| Marie McGleary    | Madison County | MACO                         | ✓            |             |
| Lora Parker       | Helena         | State Library                | ✓            |             |
| L. Brouhard       | Shelby         | MACO                         | ✓            |             |
| Jim Wysocki       | Bozeman        | City of Bozeman              | ✓            |             |
| Suzette G. Thiele | Bozeman        | City of Bozeman - Recreation | ✓            |             |
| Jim Wilton        | Billings       | City of Billings             | ✓            |             |
| Mike Kennedy      | Billings       | City of Billings             | ✓            |             |
| Paul Kirkman      | Bigs.          | City Council                 | ✓            |             |
| David Wins        | Missoula       | City of Missoula             | ✓            |             |
| Hilme Anderson    | Bozeman        | City of Bozeman              | ✓            |             |
| Steve Nelson      | Helena         | Board of Public Safety       |              | X           |
| Jim Bartlett      | Helena         | Clark Co. Records            | X            | Wounded     |
| Alec Hansen       | Helena         | MLCT                         | ✓            |             |
|                   |                |                              |              |             |
|                   |                |                              |              |             |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

where you get 5% up front on special improvement districts. This would require them to post some unknown amount for the owner of the lots. Mr. Verwolf answered that it would be whatever was agreed upon between the city commissioners and the developer, and it has been done as a voluntary commitment by the developer so that he can get the bond.

Rep. Sales then said that by doing this, a large holder is being treated different than the little guy. Isn't there something wrong with that. Mr. Verwolf replied yes, that the way this law is written with the 25% ownership, they are trying to minimize the rest of the municipality as far as possible. This letter of credit allows sufficient time for municipalities that some of these lots will be sold. There is not really anything that we can do today, but it makes it more within the codes for allowing SID bonds. Rep. Sales said we are treating a man who has 25 lots different than the one who has one lot.

Rep. Lory closed his presentation.

The committee then went into executive session for action on bills after a short 15 minute break, at 5:30 p.m.

DISPOSITION OF HOUSE BILL NO. 239: A gray bill was requested for HB 239. Rep. Wallin moved to DO PASS HB 239, and this was seconded by Rep. Brown.

Rep. Kadas moved the amendments, and Rep. Sales seconded the motion. Lee Heiman, Committee Counsel explained that the gray bill has all the amendments that were suggested. The major amendments were Rep. Wallin's .

Rep. Pistoria asked what the purpose of the bill is, and Alec Hansen said it is to allow cities and counties to set up a district to provide special services. It is also a question of equity, to assure that people who use the services should pay for what they get and the people who don't use the services, don't have to pay.

Chairman Darko asked if there is any way to get rid of a district. Rep. Sales said he doesn't see in the protest section where it says 50% of the property owners in either jurisdiction can stop the district from being formed. Alec Hansen said it was their intent with the amendment to clarify this. Lee Heiman explained that each jurisdiction has to have an ordinance, and if you have four districts you would need an ordinance from each.

Rep. Sands said he doesn't understand the portion where it says that if 50% of the property owners sign a petition, they are not bound by the petition. Alec Hansen said that the reason the petition is in there is that there is a need for it.

02

Rep. Fritz said he had a question on the amendments, on page 2, where property must be levied, and Mr. Hansen said this amendment is intended to deal with the problem where districts are bringing in areas that are far removed. They are to protect agricultural property owners. Rep. Fritz suggested including agriculture. Rep. Brandewie said ten acres doesn't have to be agricultural, but could be ten acres that nothing is done with. He also said that in talking about services, one of the things people are talking about is recreational programs. He is trying to protect the agricultural people. Rep. Sands said he thinks it might be advantageous to make a green belt law that defines what agriculture is, and said he would like Lee Heiman to look into it. Lee Heiman responded that it has basically five acres, but he does not know anything about it.

Rep. Sales suggested just putting in agriculture.

Question being called for, Rep. Kadas' motion to amend HB 239 CARRIED UNANIMOUSLY.

Rep. Fritz moved to DO PASS AS AMENDED HB 239, and this was seconded by Rep. Brown. Question being called for, the motion PASSED, with Rep. Poff and Rep. Gilbert opposing.

DISPOSITION OF HOUSE BILL NO. 160: A sub-committee has been working on this bill and they have an amendment to present.

Rep. Sales moved to DO PASS HB 160, and this was seconded by Rep. Brown. Rep. Brandewie moved the amendments, seconded by Rep. Brown. Lee Heiman explained that the bill was re-written solely for motor homes, so there would not be any conflicts. People testified that mobile homes have to have license plates. Section 5 is left over from the old bill.

Rep. Fritz moved to DO PASS AS AMENDED HB 160, seconded by Rep. Sands. Rep. Pistoria said it was a good thing Rep. Grady is going to carry the bill instead of him. Question being called for, motion PASSED UNANIMOUSLY.

Rep. Kadas moved the Statement of Intent, and this was seconded by Rep. Sales. Question was called for, and motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 746: Rep. Pistoria moved to DO PASS, and this was seconded by Rep. Kitselman. Question was called for, and motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 564: Rep. Kitselman made the motion of DO PASS HB 564, and this was seconded by Rep. Fritz. Rep. Fritz asked Rep. Sales if he would have a problem with this, and Rep. Sales answered that they have spent a lot of years using claims and warrants, but he

Date Feb. 16, 1985

34

# STANDING COMMITTEE REPORT

Page 1 of 3

February 13

19 85

Speaker:

MR. ....

Local Government

We, your committee on

House

Bill No. 339

having had under consideration

first

white

reading copy ( )

color

LOCAL GOVERNMENT MULTI-JURISDICTIONAL SERVICE DISTRICTS

House

Bill No. 339

Respectfully report as follows: That

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Strike: "ANY SERVICE"

Insert: "CERTAIN SERVICES"

1

2. Page 2, line 23.

Strike: "include but"

Strike: "not limited to"

3. Page 1, line 25.

Following: ";"

Strike: "and"

4. Page 2, line 1.

Following: "libraries"

Insert: "; and"

(3) "in"

DO PASS

CONTINUED

Chairman.

February 18 1935

5. Page 1, line 11.  
Following: "Financing."  
Insert: "(1)"

6. Page 2.  
Following: line 16  
Insert: "(2) A property tax levied for the purpose of financing the district must, for all agricultural property having an area greater than 10 acres, be levied only on the principal residential dwelling, if any, on such property."

7. Page 3, line 1.  
Strike: "electors"  
Insert: "property owners"

8. Page 3, line 2.  
Following: "in"  
Strike: "the"  
Insert: "each"

9. Page 3.  
Following: line 2  
Insert: "(3) Prior to determining the boundary of the district, the governing body or persons preparing a petition shall consult with the county election administrator to prepare a description of the boundary of the proposed districts. As far as practical, the boundary shall follow precinct, school district, municipal, and county lines. The boundary description must be mapped and clearly described."

10. Page 3, line 19.  
Following: "of"  
Strike: "the"  
Insert: "each"

11. Page 4, line 4.  
Strike: "The"  
Insert: "Each"

12. Page 4, line 7.  
Strike: "electors"  
Insert: "property owners"  
Following: "of"  
Strike: "the"  
Insert: "each"  
Strike: "in the"

CONTINUED

February 14, 1988

13. Page 4, line 8.

Strike: "jurisdiction"

Strike: "file"

Insert: "submit"

Strike: "with"

Insert: "to"

14. Page 4, line 9.

Strike: "electors"

Insert: "property owners in any one of the jurisdictions  
proposed for inclusion in the district"

15. Page 4, line 10.

Following: "ordinance"

Insert: "of that jurisdiction"

HB276.37

PC5

AND AS AMENDED,  
DO PASS



CHAIRMAN--FULLER, DAVE  
NORMAL SCHEDULE==> SITE: ROOM 405

DAYS: TU-TH-SAT

TIME: 12:30-2:30 P.M.

SECRETARY-GHILARDI, CHERYL

| ---BILL NO---             | REFER DATE--- | HEARING DATE--- | CONSIDERATION DATES-----                                                    | COMMITTEE ACTION----- | REREFERRED TO COMM---- | DATE OUT- |
|---------------------------|---------------|-----------------|-----------------------------------------------------------------------------|-----------------------|------------------------|-----------|
| HB0008                    | 1/15          | 3/05            |                                                                             | CONCUR AS AMENDED     |                        | 3/5       |
| MARKS, ROBERT L. (BOB)    |               |                 | REVISE AND CLARIFY LOCAL GOVERNMENT LAW                                     |                       |                        |           |
| HB0075                    | 3/05          | 3/14            |                                                                             | ADVERSE REPORT        |                        | 3/14      |
| HANNAH, TOM               |               |                 | COUNTY GOVERNING BODY TO SET SALARIES OF CO. ELECTED OFFICIALS AND DEPUTIES |                       |                        |           |
| HB0076                    | 1/15          | 1/24            |                                                                             | CONCUR                |                        | 1/24      |
| WILLIAMS, J. MELVIN (MEL) |               |                 | CHANGING FEE FOR FILING NOTARIAL COMMISSION WITH COUNTY CLERK               |                       |                        |           |
| HB0077                    | 1/15          | 1/24            | 2/05                                                                        | CONCUR                |                        | 2/5       |
| WILLIAMS, J. MELVIN (MEL) |               |                 | REVISING FEES CHARGED BY THE COUNTY CLERK                                   |                       |                        |           |
| HB0104                    | 1/19          | 3/05            |                                                                             | CONCUR                |                        | 3/5       |
| MARKS, ROBERT L. (BOB)    |               |                 | ALLOW COUNTY TO PURCHASE WARRANTS OF SCHOOL DISTRICTS AND MUNICIPALITIES    |                       |                        |           |
| HB0108                    | 4/03          | 4/11            |                                                                             | CONCUR                |                        | 4/11      |
| WINSLOW, CAL              |               |                 | RAISE COST TO U.S. AND MONT. OF THEIR PLACING PERSONS IN COUNTY JAIL        |                       |                        |           |
| HB0125                    | 1/24          | 3/05            |                                                                             | CONCUR                |                        | 3/5       |
| PECK, RAY                 |               |                 | WITNESS & JUROR FEES TO BE PAID OUT OF COUNTY DISTRICT COURT FUND           |                       |                        |           |
| HB0128                    | 1/22          | 3/05            |                                                                             | CONCUR                |                        | 3/5       |
| KITSELMAN, LES            |               |                 | PROVIDING FOR DISCRETIONARY TERM OF APPOINTMENT TO BOARD OF ADJUSTMENT      |                       |                        |           |
| HB0166                    | 2/06          | 3/07            |                                                                             | CONCUR                |                        | 3/7       |
| SANDS, JACK               |               |                 | REMOVE REQUIREMENT TO POST LIST OF DELINQUENT TAXPAYERS                     |                       |                        |           |
| HB0196                    | 1/28          | 3/07            |                                                                             | CONCUR                |                        | 3/7       |
| BROWN, JAN                |               |                 | ABOLISH POPULATION LIMITATION FOR DISPENSING WITH NONPARTISAN PRIMARY       |                       |                        |           |
| HB0239                    | 2/22          | 3/07            | 3/16                                                                        | CONCUR AS AMENDED     |                        | 3/16      |
| WALLIN, NORM              |               |                 | LOCAL GOVERNMENT MULTI-JURISDICTIONAL SERVICE DISTRICTS                     |                       |                        |           |

March 7, 1985

Chairman Fuller opened the hearing for questions. There were no questions from the Committee regarding HB 196.

ACTION TAKEN ON HOUSE BILL 196: Senator McCallum moved that HB 196 BE CONCURRED IN. The motion passed unanimously. Senator Fuller will carry the bill.

CONSIDERATION OF HOUSE BILL 239: Representative Norm Wallin, District #78, is the sponsor of this bill. The bill was introduced to allow for the formation of multi-jurisdictional service districts among municipalities and towns, to provide certain services allowed to be provided by local governments, and providing for the creation, administration, and financing of such districts. Representative Wallin distributed a memo in support of the bill from the Montana League of Cities and Towns. The memo is attached as Exhibit A to these minutes.

#### PROPONENTS

Bill Verwolf, representing the City of Helena, stated his support of the bill.

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He said the bill would create a system that would guarantee people who use services are the people who pay for them. It would relieve people from outside areas from paying for services they are not receiving. The bill provides a more equitable method of financing services.

Mike Young, Finance Director for the City of Missoula, stated his support of the bill.

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. He said it would provide county commissioners with the authority to consider entering into regional jail facilities.

Jim Wysocki, Bozeman City Manager, stated his support of the bill.

Representative Paul Pistoria, District #36, stated his support of the bill. He submitted a proposed amendment to include animal control programs in the bill. The proposed amendment is attached as Exhibit B to these minutes.

#### OPPONENTS

Julie Hacker, representing the Missoula County Freeholders' Association, spoke in opposition to the bill. Her written testimony is attached as Exhibit C to these minutes.

March 7, 1985

David Whitesitt, a Seeley Lake resident, spoke in opposition to the bill. His written testimony is attached as Exhibit D to these minutes.

Chairman Fuller opened the hearing for questions.

Senator McCallum asked how many mills could be levied. Mr. Hansen said the amount of tax would be included in the petition.

Senator Crippen said he objects to saying property owners can vote on the petition, when one property owner may own much less land than another property owner. Even though you would be paying more taxes, your vote is not proportionately larger. He also feels that the things being done with this bill could be done with a special improvement district (SID) tax.

Alec Hansen said that they do not want the bill held up on technical points and are more than willing to amend it.

Senator Harding asked Representative Wallin if he would object to amending out the portion of the bill which states that a jurisdiction may "adopt an authorizing ordinance that differs from the petition." Representative Wallin said he would not object.

Chairman Fuller assigned Senators Mohar, Eck, and Crippen to form a subcommittee on this bill. Senator Mohar will chair the subcommittee. The first meeting of the subcommittee will be Tuesday, March 12, 1985, at 12:00 p.m.

Representative Wallin closed by reading a letter of support from the Missoula County Commissioners.

The hearing was closed on HB 239.

FURTHER CONSIDERATION OF SB 293: Senator Van Valkenburg and Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit E to these minutes.

Chairman Fuller asked for further proponents or opponents to the bill.

#### PROPONENTS

Ken Hirt, Mayor of St. Ignatius, spoke in favor of the bill. He said they are levying the maximum mills allowed by law and that raises only twenty four thousand dollars a year. They are on an Indian reservation where Indians do not have to pay taxes but they still receive services. The only thing left for the City to do is disincorporate and fall back on county funds. They need some sort of local option tax considered.

March 7, 1985

OPPONENTS

Dennis Burr, representing the Montana Taxpayers' Association, stated his opposition to the bill.

Julie Hacker, representing the Missoula County Freeholders' Association, spoke in opposition to the bill. Her written testimony is attached as Exhibit F to these minutes.

Chairman Fuller opened the hearing for questions.

Senator Crippen said that he can see where more funds are necessary for small local governments to operate, but he does not feel that this bill would generate enough money.

Senator Pinsoneault said he would like to see the bill amended to apply only to towns and third class cities and, exclude the larger counties if it would mean the bill would pass.

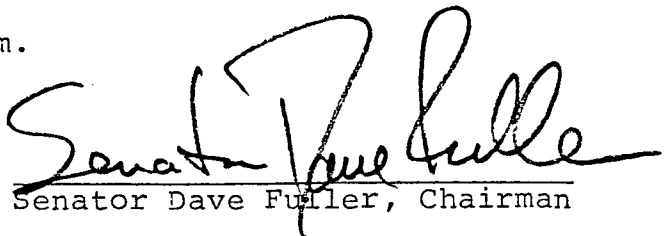
The hearing was closed on SB 293.

ACTION TAKEN ON HOUSE BILL 333: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit G to these minutes.

Senator Eck moved the Committee adopt the proposed amendments. The motion passed with Senators Crippen, McCallum, Harding, and Story voting no.

Senator Regan moved that HB 333 BE CONCURRED IN as amended. The motion passed with Senators Harding, McCallum, Crippen, and Story voting no. Senator Regan will carry the bill.

The meeting adjourned at 2:50 p.m.

  
Senator Dave Fuller, Chairman

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th  
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-7-85

SENATE  
SEAT  
#

|    | NAME                          | PRESENT | ABSENT | EXCUSED |
|----|-------------------------------|---------|--------|---------|
| 13 | Senator Crippen, Bruce        | ✓       |        |         |
| 18 | Senator Eck, Dorothy          | ✓       |        |         |
| 11 | Senator Harding, Ethel        | ✓       |        |         |
| 47 | Senator Hirsch, Les           | ✓       |        |         |
| 4  | Senator McCallum, George      | ✓       |        |         |
| 28 | Senator Mohar, John (V.Chair) | ✓       |        |         |
| 4  | Senator Pinsoneault, Dick     | ✓       |        |         |
| 19 | Senator Regan, Pat            | late ✓  |        |         |
| 21 | Senator Story, Pete           | ✓       |        |         |
| 43 | Senator Fuller, Dave (Chair)  | ✓       |        |         |
|    |                               |         |        |         |
|    |                               |         |        |         |
|    |                               |         |        |         |
|    |                               |         |        |         |
|    |                               |         |        |         |
|    |                               |         |        |         |

Each day attach to minutes.



WALLIN



# Montana League of Cities and Towns

P.O. BOX 1704

HELENA, MONTANA

LOCAL GOVERNMENT COMMITTEE  
MARCH 7, 1985  
EXHIBIT A

## MEMORANDUM

TO: MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE  
FROM: THE MONTANA LEAGUE OF CITIES AND TOWNS  
RE: HOUSE BILL 239

THE PURPOSE OF HOUSE BILL 239 IS TO ESTABLISH A MORE EQUITABLE METHOD OF PROVIDING SPECIFIC SERVICES IN AREAS DIVIDED BY JURISDICTIONAL BOUNDARIES. THE BILL WOULD ALLOW FOR THE CREATION OF SEPARATE TAXING DISTRICTS TO FUND RECREATION SERVICES, STREET AND ROAD MAINTENANCE, LIBRARIES, JAILS AND WEED CONTROL PROGRAMS.

UNDER EXISTING LAW, CITIES AND COUNTIES HAVE THE AUTHORITY TO NEGOTIATE INTERLOCAL AGREEMENTS TO PROVIDE COOPERATIVE SERVICES. THESE AGREEMENTS, HOWEVER, COVER THE ENTIRETY OF THE PARTICIPATING JURISDICTIONS. FOR EXAMPLE, IF BOZEMAN AND GALLATIN COUNTY PUT TOGETHER A COMBINED RECREATION PROGRAM, PEOPLE IN WEST YELLOWSTONE, THREE FORKS AND OTHER OUTLYING AREAS WOULD BE PAYING FOR A SERVICE PRINCIPALLY INTENDED FOR THE CITY AND ITS SUBURBS.

IF HB-239 IS PASSED, A RECREATION DISTRICT COULD BE CREATED THAT WOULD INCLUDE BOZEMAN AND THE NEARBY SUBURBAN AREA. PEOPLE LIVING IN THE DISTRICT WOULD PAY FOR THE SERVICES THEY USE. THOSE IN OTHER PARTS OF THE COUNTY WOULD NOT BE REQUIRED TO PAY, BECAUSE THEY ARE TOO FAR AWAY TO USE THE SERVICES ON A REGULAR BASIS.

UNDER THIS BILL, HELENA AND LEWIS AND CLARK AND JEFFERSON COUNTIES COULD ESTABLISH A LIBRARY DISTRICT. PEOPLE IN THE CITY AND THE NEARBY SUBURBS IN BOTH COUNTIES WOULD PAY THE LEVY. PEOPLE LIVING 60 OR 70 MILES AWAY IN AUGUSTA, LINCOLN AND WHITE-HALL WOULD NOT BE OBLIGATED.

THIS BILL WAS AMENDED IN THE HOUSE LOCAL GOVERNMENT COMMITTEE TO PROVIDE ADDITIONAL PROTECTION FOR THE RIGHTS OF PROPERTY OWNERS. IT CLEARLY STATES THAT THE RIGHT OF PROTEST APPLIES TO THE PROPERTY OWNERS IN THE AREA OF THE DISTRICT OF ALL PARTICIPATING JURISDICTIONS. THIS MEANS THAT A CITY COULD NOT FORCE ITS WILL ON A MINORITY OUTSIDE THE CORPORATE BOUNDARIES, BECAUSE PROPERTY OWNERS IN THAT AREA WOULD HAVE THE RIGHT OF PROTEST. THE BILL ALSO PROTECTS AGRICULTURAL INTERESTS BY PROVIDING THAT DISTRICT ASSESSMENTS ON PROPERTIES OF 10 ACRES ARE MORE CAN BE LEVIED ONLY AGAINST THE PRINCIPAL RESIDENCE. THIS PROVISION WAS INCLUDED TO ASSURE THAT FARMS AND RANCHES WOULD NOT PAY A DISPROPORTIONATE SHARE OF THE COSTS OF OPERATING THE DISTRICT.

THIS BILL ADDRESSES A BASIC ISSUE OF FAIRNESS IN TAX POLICY. IT PROVIDES A METHOD OF FINANCING PROGRAMS BY PEOPLE WHO USE THE SERVICES. OF EQUAL IMPORTANCE, IT FREES OTHER PEOPLE OF PAYING FOR SERVICES THEY DO NOT USE. FOR THESE REASONS, THE LEAGUE OF CITIES AND TOWNS URGES PASSAGE OF THIS BILL.

original

amendment for H.B. 239  
Thur. Mar. 7, 1985 - by Pistoria & Nisbet

Submitted by  
Paul Pistoria

PROPOSED AMENDMENTS  
House Bill No. 239  
Introduced Copy

1. Page 2, line 5.  
Following: "i;"  
Strike: "AND"

LOCAL GOVERNMENT COMMITTEE  
MARCH 7, 1985  
EXHIBIT B

2. Page 2, line 6.  
Following: "PROGRAMS"  
Insert: "; and  
(f) animal control programs"



NAME Julie Hacker BILL NO. HB239  
ADDRESS Star Rte Box 335 Barner DATE 3/7/85  
WHOM DO YOU REPRESENT 7th La. Co. Truistlers  
SUPPORT \_\_\_\_\_ OPPOSE / AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Confusing, poorly written as it contains conflicting statutes
2. Sets up another bureaucracy with interlocal agreements
3. What is the limit to jurisdictions involved? Could it cross state lines?
4. Note line 12 - can suit subjects?
5. Discriminatory taxes
6. Protest would be impossible

NAME DAVID D. WHITESITT BILL No. 239  
ADDRESS P.O. BOX 322 SEELEY LAKE, MT. 59868 DATE 3/7/85  
WHOM DO YOU REPRESENT SELF  
SUPPORT \_\_\_\_\_ OPPOSE ✓ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. WE HAVE ALL THE SERVICES WE NEED.
2. WE CAN'T AFFORD MORE SERVICES THAT WE DO NOT NEED.
3. THIS WOULD CREATE A MORE BUREAUCRATIC LOCAL GOVERNMENT.
4. PAPERWORK AND ADMINISTRATION WOULD BE VERY COSTLY.
5. PEOPLE SHOULD BE FREE TO MEET THEIR OWN NEEDS, NOT FORCED INTO BIG SERVICE DISTRICTS THAT WOULD TAKE THEIR MONEY ELSEWHERE AND PROVIDE SERVICES AT SOME REMOTE LOCATION.

March 16, 1985

The hearing was closed on HB 564.

ACTION TAKEN ON HOUSE BILL 564: Senator Eck moved that HB 564 BE CONCURRED IN. The motion passed unanimously with Senators McCallum and Crippen absent. Senator Regan was excused from the meeting after this vote. Senator Pinsoneault will carry the bill.

ACTION TAKEN ON HOUSE BILL 414: Senator Eck moved that HB 414 BE CONCURRED IN. The motion passed with Senator Regan (absentee vote) voting no. Senator Aklestad will carry the bill.

ACTION TAKEN ON HOUSE BILL 436: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit A to these minutes.

Senator Hirsch moved the amendments be adopted. The motion passed unanimously.

Senator Mohar moved that HB 436 as amended BE CONCURRED IN. The motion passed with Senator Story voting no. Senator Neuman will carry the bill.

ACTION TAKEN ON HOUSE BILL 483: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit B to these minutes.

Senator Pinsoneault moved the amendments be adopted. The motion passed unanimously.

Senator Hirsch moved that HB 483 as amended BE CONCURRED IN. The motion passed unanimously. Senator Hirsch will carry the bill.

ACTION TAKEN ON HOUSE BILL 239: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit C to these minutes.

Senator Eck moved the amendments be adopted. The motion passed unanimously.

Senator Mohar moved that HB 239 as amended BE CONCURRED IN. The motion passed with Senator McCallum (absentee vote) voting no. Senator Crippen will carry the bill.

CONSIDERATION OF HOUSE BILL 746: Representative Helen O'Connell, District #40, is the sponsor of this bill. The bill was introduced to authorize an assessment option based upon water meter size to be used in assessing costs in fire hydrant maintenance districts.

#### PROPOSERS

Nathan Tubergen, Finance Director for the City of Great Falls, spoke in favor of the bill. He said when the charges are based on square footage, they are very inequitable. This bill would

# ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th  
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-16-

SENATE  
 SEAT  
 #

|    | NAME                           | PRESENT | ABSENT | EXCUSED                |
|----|--------------------------------|---------|--------|------------------------|
| 13 | Senator Crippen, Bruce         |         |        | /                      |
| 18 | Senator Eck, Dorothy           | ✓       |        |                        |
| 11 | Senator Harding, Ethel         | ✓       |        |                        |
| 47 | Senator Hirsch, Les            |         |        |                        |
| 4  | Senator McCallum, George       |         |        | ✓                      |
| 28 | Senator Mohar, John (V. Chair) | ✓       |        |                        |
| 44 | Senator Pinsoneault, Dick      | ✓       |        |                        |
| 19 | Senator Regan, Pat             | ✓       |        | ✓ off at meeting start |
| 21 | Senator Story, Pete            | ✓       |        |                        |
| 43 | Senator Fuller, Dave (Chair)   | ✓       |        |                        |
|    |                                |         |        |                        |
|    |                                |         |        |                        |
|    |                                |         |        |                        |
|    |                                |         |        |                        |
|    |                                |         |        |                        |
|    |                                |         |        |                        |

Each day attach to minutes.

# STANDING COMMITTEE REPORT

MARCH 12 19 35

MR. PRESIDENT

## LOCAL GOVERNMENT

We, your committee on.....

## HOUSE BILL

239

having had under consideration..... No.....

THIRD

BLUE

reading copy (.....)

(CRIPPEN WILL CARRY) color

## LOCAL GOVERNMENT MULTI-JURISDICTIONAL SERVICE DISTRICTS

## HOUSE BILL

239

Respectfully report as follows: That..... No.....

be amended as follows:

1. Page 2, line 6.

Following: "(E)"

Strike: "WEED"

Insert: "dog"

2. Page 2, line 16.

Following: line 15

Insert: "(3) An interlocal agreement under [this act] may enlarge an existing service district or city or county library but it may not supercede or void an existing contract or interlocal agreement under which the same service is currently provided to residents of one or more of the participating jurisdictions.

(4) A library established under [this act] as a multijurisdictional service must be administered according to the provisions of 22-1-305 through 22-1-317."

3. Page 2, line 21.

Following: "district."

Insert: "Property taxes levied for a library established under [this act] as a multijurisdictional service must be added to taxes levied under 22-1-304."

4. Page 3, line 10.

Following: "electors"

Insert: "resident"

Following: "PROPERTY"

Strike: "OWNERS"

Insert: "taxpayers"

XXXXXX  
DO PASS

XXXXXXXXXX  
DO NOT PASS

CONTINUED

Chairman.

45

5. Page 4, lines 11 through 13.  
Following: "ordinance" in line 11  
Strike: remainder of line 11 through "petition," in line 13
6. Page 4, line 24.  
Following: "electors"  
Insert: "electors or"
7. Page 5, line 2.  
Following: "of"  
Strike: "such"  
Insert: "the electors, or the owners of more than 50% of the  
taxable value of the property, in the affected portion."  
Following: "electors"  
Strike: "PROPERTY OWNERS IN"
8. Page 5.  
Following: line 4  
Insert: "Section 8. Coordination instruction. If House Bill  
No. 496 is passed and approved, section 2(2)(a) of this  
act is amended to read: "recreation programs other than  
park and recreation programs in a county park district  
established under [House Bill No. 496]"."

AND AS AMENDED

BE CONCURRED IN

LOCAL GOVERNMENT COMMITTEE  
EXHIBIT C  
MARCH 16, 1985

PROPOSED AMENDMENTS TO HOUSE BILL 239

1. Page 2, line 6.  
Following: "(E)"  
Strike: "WEED"  
Insert: "dog"
2. Page 2, line 16.  
Following: line 15  
Insert: "(3) An interlocal agreement under [this act] may enlarge an existing service district or city or county library but it may not supercede or void an existing contract or interlocal agreement under which the same service is currently provided to residents of one or more of the participating jurisdictions.  
(4) A library established under [this act] as a multijurisdictional service must be administered according to the provisions of 22-1-305 through 22-1-317."
3. Page 2, line 21.  
Following: "district."  
Insert: "Property taxes levied for a library established under [this act] as a multijurisdictional service must be added to taxes levied under 22-1-304."
4. Page 3, line 10.  
Following: "electors"  
Strike: "PROPERTY OWNERS"  
Insert: "resident-property taxpayers"
5. Page 4, lines 11 through 13.  
Following: "ordinance" in line 11  
Strike: remainder of line 11 through "petition," in line 13
6. Page 4, line 24.  
Following: "electors"  
Insert: "electors or"
7. Page 5, line 2.  
Following: "of"  
Strike: "such electors PROPERTY OWNERS IN"  
Insert: "the electors, or the owners of more than 50% of the taxable value of the property, in the affected portion of"
8. Page 5, line 5.  
Following: line 4  
Insert: "Section 8. Coordination instruction. If House Bill No. 496 is passed by the 49th Legislature and approved, section 2(2)(a) of this act is amended to read: "recreation programs other than park and recreation programs in a county park district established under [House Bill No. 496]"."

## HOUSE BILL NO. 239

INTRODUCED BY WALLIN, DARKO, BERGENE,

EUDAILY, HARPER, LORY, COHEN, NELSON,

BRADLEY, J. BROWN, MILLER, REHBERG

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW FOR THE FORMATION OF MULTIJURISDICTIONAL SERVICE DISTRICTS AMONG MUNICIPALITIES AND COUNTIES TO PROVIDE ANY--SERVICE CERTAIN SERVICES ALLOWED TO BE PROVIDED BY LOCAL GOVERNMENTS; PROVIDING FOR THE CREATION, ADMINISTRATION, AND FINANCING OF SUCH DISTRICTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Authority to form multijurisdictional service district. Municipalities and counties may form multijurisdictional service districts to provide:

(1) a higher level of service than is available through the local governments forming such a district; or

(2) services that are not available through the governments forming such a district.

Section 2. Services that may be provided. (1) A multijurisdictional service district may provide only those services that are authorized to be provided by local governments.

(2) The services that a multijurisdictional service

district may provide ~~include-but are not-limited-to:~~

(a) recreation programs;

(b) road, street, and highway maintenance; and

(c) libraries; AND

(D) JAILS; AND

(E) WEEB DOG CONTROL PROGRAMS.

Section 3. Administration. (1) A multijurisdictional service district must be administered according to an interlocal agreement among the participating jurisdictions within the district.

(2) The governing body of a multijurisdictional service district may consist of the entire membership of all governing bodies of the participating jurisdictions, or it may be a joint board with representation as set forth in the interlocal agreement forming the district.

(3) AN INTERLOCAL AGREEMENT UNDER [THIS ACT] MAY ENLARGE AN EXISTING SERVICE DISTRICT OR CITY OR COUNTY LIBRARY, BUT IT MAY NOT SUPERSEDE OR VOID AN EXISTING CONTRACT OR INTERLOCAL AGREEMENT UNDER WHICH THE SAME SERVICE IS CURRENTLY PROVIDED TO RESIDENTS OF ONE OR MORE OF THE PARTICIPATING JURISDICTIONS.

(4) A LIBRARY ESTABLISHED UNDER [THIS ACT] AS A MULTIJURISDICTIONAL SERVICE MUST BE ADMINISTERED ACCORDING TO THE PROVISIONS OF 22-1-305 THROUGH 22-1-317.

Section 4. Financing. (1) Local governments organizing



a multijurisdictional service district are authorized to levy property taxes in an amount not to exceed that authorized for the district in [section 6], and to appropriate funds derived from other than general tax revenues for the operation of the district. PROPERTY TAXES LEVIED FOR A LIBRARY ESTABLISHED UNDER [THIS ACT] AS A MULTIJURISDICTIONAL SERVICE MUST BE ADDED TO TAXES LEVIED UNDER 22-1-304.

(2) A PROPERTY TAX LEVIED FOR THE PURPOSE OF FINANCING THE DISTRICT MUST, FOR ALL AGRICULTURAL PROPERTY HAVING AN AREA GREATER THAN 10 ACRES, BE LEVIED ONLY ON THE PRINCIPAL RESIDENTIAL DWELLING, IF ANY, ON SUCH PROPERTY.

Section 5. Creation of district. (1) A multijurisdictional service district is established by an interlocal agreement among participating jurisdictions, as authorized by an ordinance of each of the jurisdictions, to form the district. An ordinance, for the purposes of [this act], includes a resolution of a county not having the power to enact ordinances.

(2) The authorizing ordinance may be passed by the governing body of the jurisdiction or it may be initiated by a petition signed by 15% of the ~~electors~~ RESIDENT PROPERTY OWNERS TAXPAYERS of the area proposed for the district in the EACH jurisdiction.

(3) PRIOR TO DETERMINING THE BOUNDARY OF THE DISTRICT,

THE GOVERNING BODY OR PERSONS PREPARING A PETITION SHALL CONSULT WITH THE COUNTY ELECTION ADMINISTRATOR TO PREPARE A DESCRIPTION OF THE BOUNDARY OF THE PROPOSED DISTRICT. AS FAR AS PRACTICAL, THE BOUNDARY SHALL FOLLOW PRECINCT, SCHOOL DISTRICT, MUNICIPAL, AND COUNTY LINES. THE BOUNDARY DESCRIPTION MUST BE MAPPED AND CLEARLY DESCRIBED.

Section 6. Ordinance and petition requirements. An ordinance or petition for an ordinance to authorize a multijurisdictional service district must include:

- (1) the name of the proposed district;
- (2) the services to be provided by the proposed district;
- (3) a statement of convenience and necessity;
- (4) a boundary map of the proposed district;
- (5) estimated costs of services and methods of financing the district;
- (6) the method of administering the proposed district;
- and
- (7) the maximum property tax mill levy for property taxes in the district.

Section 7. Adoption of ordinance -- protest. (1) Upon receipt of a petition to enact an authorizing ordinance, the governing body of the EACH jurisdiction may either adopt the substantive provisions of the petition as an ordinance, ~~adopt---an---authorizing---ordinance---that---differs---from---the~~

1 petition, or decline to adopt an authorizing ordinance for  
 2 the district. The action on the petition is subject to the  
 3 provisions of initiative and referendum as provided in  
 4 7-5-131 through 7-5-137.

5 (2) (a) Upon adoption of a multijurisdictional service  
 6 district authorizing ordinance, notice must be published in  
 7 a newspaper of general circulation in the jurisdiction.

8 (b) The EACH notice must set forth the text or  
 9 substance of the ordinance and the text of subsection  
 10 (2)(c).

11 (c) Within 30 days of the publication of the notice,  
 12 ~~electors~~ ELECTORS OR PROPERTY OWNERS of the EACH portion of  
 13 the proposed district ~~in-the-jurisdiction~~ may file SUBMIT  
 14 written protests with TO the local government clerk. If more  
 15 than 50% of such electors ~~PROPERTY-OWNERS-IN THE ELECTORS,~~  
 16 OR THE OWNERS OF MORE THAN 50% OF THE TAXABLE VALUE OF THE  
 17 PROPERTY, IN THE AFFECTED PORTION OF ANY ONE OF THE  
 18 JURISDICTIONS PROPOSED FOR INCLUSION IN THE DISTRICT protest  
 19 the ordinance OF THAT JURISDICTION, the ordinance is void.

20 SECTION 8. COORDINATION INSTRUCTION. IF HOUSE BILL NO.  
 21 496 IS PASSED AND APPROVED, SECTION 2(2)(A) OF THIS ACT IS  
 22 AMENDED TO READ: "RECREATION PROGRAMS OTHER THAN PARK AND  
 23 RECREATION PROGRAMS IN A COUNTY PARK DISTRICT ESTABLISHED  
 24 UNDER [HOUSE BILL NO. 496]".

-End-